HIGH COURT OF CHHATTISGARH, BILASPUR

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Second Appeal No. 11 of 2007

Appellants	:	1.	Pilsai S/o Late Kartikram, aged about 65 years, caste Satnami, Business-Agriculture.
	:	2. (A)	Tikaram S/o Late Mohanlal, aged about 40 years.
	:	(B)	Bedram S/o Late Mohanlal, aged about 44 years.
	:	(C)	Malti D/o Late Mohanlal, aged about 42 years
	:	(D)	Lalita Bai D/o Late Mohanlal, aged about 27 years
	:	(E)	Phool Bai D/o Late Mohanlal, aged about 22 years
	:	(F)	Champa Bai widow of Mohan Lal, aged about 50 years
			All are resident of village Kiritmal, Tahsil Kharasiya, District Raigarh C.G.
			Versus
Respondents	:	1.	Sushila Bai D/o Damodar Prasad
	:	2.	Bimba Bai D/o Damodar Prasad,
	:	3.	Dayaram S/o Damodar Prasad
	:	4.	Mohkar Prasad S/o Damodar Prasad
	:	4.(A)	Ganga Mai widow of Bhudhar Prasad Dansena, aged about 62 years.
	:	a.	Hitlal Dansena S/o Bhudhar Prasad Dansena.
	:	5.	Harilal S/o Bhudhar Prasad Dansena
	:	6.	Yadav Prasad S/o Bhudhar Prasad Dansena
	:	7.	Chhatrapal S/o Bhudhar Prasad Dansena
	:	8.	Hridaylal S/o Bhudhar Prasad Dansena
	:	9.	Vipin Kumar S/o Bhudhar Prasad Dansena

: 10. Kailash Kumar S/o Hitlal Dansena.

: 11. State of C.G., Through the Collector Raigarh C.G.

: 12. Teklal S/o Bhudhar Prasad, R/o Kiritmal, Tahsil and District Raigarh C.G.

Respondent no.1 to 4 are resident of village Rajpur, Post Office Bhudevpur, Tahsil Kharasiya, District Raigarh C.G., the respondent No.5 (A) to 11 resident of village Kiritmal, police station and tahsil Kharasiya, District Raigarh C.G.

MEMO OF SECOND APPEAL UNDER SECTION 100 OF THE CODE OF CIVIL PROCEDURE, 1908

Present:-
Shri Rajesh Pandey, counsel for the appellants.

ORAL ORDER
(Passed on 05.11.2007)

Heard on admission.

2. The appellants are aggrieved by the judgment and decree dated 05.09.2006 passed by 1st Additional District Judge, Raigarh (C.G.) in Civil Appeal No. 20-A of 2005 whereby the judgment and decree dated 1504.2005 passed by 4th Civil Judge Class-II, Raigarh in Civil Suit No. 225 of 2002 whereby the suit was dismissed, was affirmed.

3. Both the Courts below have recorded a concurrent finding that the suit was barred by limitation.

4. The appellants/plaintiffs had claimed the relief of declaration of three sale deeds 11.03.1986 as void. The suit was instituted on 28.02.2001.

5. Shri Rajesh Pandey, learned counsel for the appellants, has not been able to demonstrate that the finding recorded by both the Courts below on the question of limitation is erroneous.

6. I have gone through the judgment of the lower appellate court as also that of trial Court. Both the Courts below, on proper appreciation of evidence

oral as well as documentary, have declined to grant relief to the plaintiffs while recording a finding that the suit is barred by limitation under Article 58 of the Indian Limitation Act. I am of the considered opinion that no substantial question of law is involved for determination of this appeal.

7. The appeal being devoid of merit is accordingly dismissed at the stage of admission.

Sd/-
Dilip Raosaheb Deshmukh
Judge